

30. (New) A mammalian embryo having a nucleus containing the DNA sequence of claim 19.

31. (New) A mammal in which the genome of the mammary glands of said mammal comprises a gene encoding a protein, said gene being under the transcriptional control of a sequence upstream from the transcriptional start site of a mammalian milk protein which includes a milk protein promoter and which does not naturally control the transcription of said gene, said genome comprising DNA enabling the secretion of said gene encoding said protein.

32. (New) The mammal of claim 31, said mammal being a sheep, pig, goat, cow, or other mammals.

33. (New) The mammal of claim 31 wherein said gene is expressed in greater amounts during lactation than during pregnancy.

REMARKS

Claims 1-3 and 5-33 are pending. Claims 5, 6, 10 and 12-14 have been amended. However, the amendments to the claims have been made solely to expedite prosecution of the present application. New claims 16-33 have been added. Support for new claims 16-33 can be found throughout the present application as originally filed. No new matter has been added.

Double Patenting

Claim 15 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of copending Application No.: 07/938,322. According to the Examiner, "although the conflicting claims are not identical, they are not patentably distinct from each other because they are almost identical and are obvious variants."

Neither claim 15 of U.S. Serial No.: 07/938,322 nor claim 15 of the present application has been indicated as allowable. Once the claims are indicated as allowable, this rejection will be met by terminally disclaiming the claims of the application still pending.